

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

KEVIN DESHAWN BARLOW,)
Petitioner,)
Vs.) **ORDER**
UNITED STATED OF AMERICA,)
Respondent.)

THIS MATTER comes before the Court upon the Petitioner's Motion for Leave to File Section 2255 Motion, filed November 30,2005 (Document No. 126 in 3:03cr16) and Petitioner's "Motion to Construe Pending Motion Before Court as one Pursuant to 28 U.S.C. § 2255, and Motion to Supplement Pending Motion Pursuant to Fed.R.Civ.Pro Rule 15(d), and 28 U.S.C. § 2255" (Document No. 1.)

After careful review of the motion and case file, the undersigned finds that the United States Attorney should file an Answer detailing Petitioner's allegation regarding his attorney's ineffectiveness for failing to file a direct appeal as grounds to equitably toll the one year limitations period outlined in the Antiterrorism and Effective Death Penalty Act.

THEREFORE, IT IS HEREBY ORDERED that no later than forty (40) days from the filing of this Order, the United States Attorney shall file an Answer to Petitioner's Motion to Vacate, Set Aside, or Correct Sentence, detailing Petitioner's allegations and responding to each.

SO ORDERED.

Signed: February 27, 2006



Richard L. Voorhees
Chief United States District Judge

